



Order Filed on February 10, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

Pincus Law Group, PLLC

ssmith@pincuslaw.com

Sherri J. Smith, Esquire

425 RXR Plaza

Uniondale, NY 11556

(516)-699-8902 ext. 2217

ATTORNEYS FOR Bank of America, N.A.

In Re: William G. Fennimore, Sr. *aka* William G. Fennimore Case No: 18-22356
and Emily S. Fennimore

Hearing Date: 1/18/2022

Judge: JNP

Recommended Local Form

☒ Followed

☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**

The relief set forth on the followi

DATED: February 10, 2022

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: Bank of America, N.A.

Applicant's Counsel: Sherri J. Smith/Pincus Law Group, PLLC

Debtor's Counsel: Victoria A. Steffen

Property Involved ("Collateral"): 113 Orchard Drive, North Cape May, NJ 08204

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 14 months, from 12/01/2020 to 01/01/2022.

☒ The Debtor is overdue for 5 payments at \$ 770.89 per month.

☒ The Debtor is overdue for 3 payments at \$ 785.97 per month.

☒ The Debtor is overdue for 6 payments at \$ 792.38 per month.

☐ The Debtor is assessed for _____ late charges at \$ _____ per month.

☒ Applicant acknowledges receipt of suspense funds in the amount of \$ 596.30.

Total Arrearages Due \$ 10,370.34

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$ 4,800.00. Payment shall be made no later than 2/11/2022.

☒ Beginning on 02/01/2022, regular monthly mortgage payments shall continue to be made in the amount of \$ 792.38.

☒ Beginning on 2/1/2022, additional monthly cure payments shall be made for nine (9) months as follows: Monthly cure payments in the amount of \$ 618.92 to be made for 8 months with one (1) final cure payment to be tendered in the amount of \$ in month 618.98.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment: NewRez LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 10826
Greenville, SC 29603

☒ Regular monthly payment: NewRez LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 10826
Greenville, SC 29603

☒ Monthly cure payment: NewRez LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 10826
Greenville, SC 29603

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$550.00, and costs of \$ 188.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within _____days.

☐ Attorneys' fees are not awarded.